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3 IN THE UNITED STATES DISTRICT COURT
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5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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7 DOUBLEVISION ENTERTAINMENT,
8 LLC,

9 Plaintiff, No. C 14-02848 WHA
10 v.
11 NAVIGATORS SPECIALTY
12 INSURANCE CO., *et al.*,
13 Defendants.

14 **ORDER RE “SHAM” COMMENT**

15 With respect to the comment of the state court judge that the interpleader was a “sham,”
16 which was heard by the corporate representative of Doublevision, Doug Dawson, no comment
17 about it shall be made in the presence of the jury until after further hearing and order. The Court
18 will hear Mr. Dawson out of the presence of the jury to understand the context. Additionally, the
Court wishes to know whether Navigators or anyone else heard the comment.

19 Finally, please brief the law on the extent to which judicial utterances must be made on
20 the record to count. Put differently, a judicial ruling that the interpleader was a sham would
21 ordinarily be in writing or on the record. If it wasn’t on the record, then presumably it was not a
22 ruling. If it was not a ruling, it should probably be excluded under Rule 403.

23 The above points are separate from the hearsay issue addressed Monday, which the
24 parties may also brief. Briefs on these issues shall be submitted by **JULY 14, AT 5:00 P.M.**

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26 **IT IS SO ORDERED.**

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28 Dated: July 13, 2015.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE